



November 22, 1999

Lieutenant Brad Lancaster
Amarillo Police Department
200 East Third
Amarillo, Texas 79101-1514

OR99-3347

Dear Lieutenant Lancaster:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 130951.

The Amarillo Police Department (the “department”) received a request for a specified incident report. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the information you submitted.

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Section 552.101 encompasses confidentiality provisions such as section 58.007 of the Family Code. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential under section 58.007 of the Family Code, which provides in relevant part:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child and information stored, by electronic means or otherwise, concerning the child from which a record or file could be generated may not be disclosed to the public and shall be:

(1) if maintained on paper or microfilm, kept separate from adult files and records;

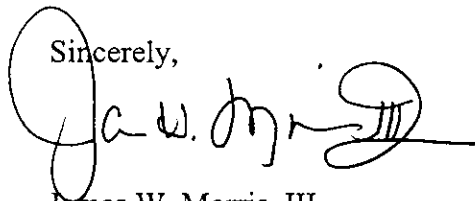
(2) if maintained electronically in the same computer system as records or files relating to adults, be accessible under controls that are separate and distinct from controls to access electronic data concerning adults; and

(3) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

Act of May 26, 1999, 76th Legis., R.S., ch. 815, § 1, 1999 Vernon's Tex. Sess. Law Serv. (to be codified as an amendment to Tex. Fam. Code Ann. § 58.007). The requested information involves juvenile conduct that occurred after September 1, 1997. As none of the exceptions in section 58.007 appears to be applicable to the requested information, it is confidential under section 58.007(c) of the Family Code. Therefore, the department must withhold the information from disclosure under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code.

Because we are able to make a determination under section 552.101 of the Government Code, we need not address your claim under section 552.108. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "J.W. Morris III", with a large circular flourish on the left side.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cwt

Ref: ID# 130951

Encl. Submitted documents

cc: Rhonda Hamilton Hase
414 Sue Terrace
Amarillo, Texas 79107
(w/o enclosures)